



U.S. Department of Justice

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Address:
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April 19, 2018

Michael J. Agoglia
Alston & Bird, LLP
560 Mission Street
San Francisco, CA 94105

Re: *United States v. Sinovel Wind Group Co., Ltd., et al.*
Case No.: 13-cr-00084-jdp

Dear Attorney Agoglia:

On January 29, 2018, the United States sent a letter to Sinovel addressing restitution. On March 7, 2018, the government filed a notice indicating that “Sinovel should begin ordering its financial affairs now so that it can pay the entire restitution and fine [at sentencing]” and indicating that the government would ask the Court to direct Sinovel to escrow the entire restitution and fine in the event of an appeal. The letter and notice – both attached below – were met with silence by Sinovel.

As you know, the first principle in sentencing organizations is to remedy harm to the victims. See USSG Chapter 8, introductory commentary, and USSG § 8B1.1. In the context of economic crimes – like Sinovel’s – the remedial action is typically restitution. I am unaware of steps by Sinovel to pay the victims or otherwise remedy the harm. If there have been steps to pay restitution or otherwise make the victims whole, please provide that information to USPO Rich Williams.

Since restitution and remedial actions are so important to sentencing, please advise if my office can facilitate discussions between Sinovel and the victims that result in actual payments and concrete remedial steps.

I want to be clear on the sentencing date: the government will oppose a sentencing delay. Sinovel committed the crimes seven years ago, it was convicted three months ago, and it should get serious about owning up to its crimes now.

Very truly yours,

SCOTT C. BLADER
United States Attorney

By: /s/
TIMOTHY M. O'SHEA
First Assistant United States Attorney

Attachment(s)

Cc: USPO Rich Williams
Attorney John Samia



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Address:
222 W. Washington Avenue
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January 29, 2018

Jeffrey Tsai, Esq.
Alston & Bird LLP
560 Mission Street, Suite 2100
San Francisco, CA 94105

Re: *United States v. Sinovel Wind Group Co., Ltd., et al.*
Case No.: 13-cr-00084-jdp

Dear Mr. Tsai:

You mentioned in passing on Wednesday that Sinovel was considering adding or substituting attorneys for sentencing. Sinovel is entitled to counsel of its choice, but I want to make sure that you—and any additional attorneys—know that the United States will vigorously oppose any sentencing continuances to allow new counsel to learn the case.

Second, as you know, the United States has a statutory obligation to pursue restitution for American Superconductor. See Title 18, United States Code, Section 3663A and 3771(a)(7). The United States is exploring all avenues to collect restitution. It is in Sinovel's best interest to make a substantial effort toward restitution before sentencing.

Very truly yours,

SCOTT C. BLADER
United States Attorney

By: /s/

TIMOTHY M. O'SHEA
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 13-cr-84-jdp

SINOVEL WIND GROUP CO., LTD.,
Defendant.

NOTICE REGARDING RESTITUTION AND FINE
PAYMENT OR ESCROW AT SENTENCING

The United States provides notice to the Court and to the defendant that it will request the Court to require Sinovel to pay the entire amount of restitution and fine upon sentencing. Further, should Sinovel appeal, the United States will ask the Court to direct Sinovel to deposit the entire restitution and fine with the Clerk of Court pending the outcome of the appeal. Fed. R. Crim. P. 38(c)(1) and (e)(2)(C).

Sinovel committed the crimes seven years ago. American Superconductor and secondary victims of Sinovel's crimes deserve both restitution and certainty that restitution will be paid. Although loss and restitution will be litigated at sentencing, because the anticipated amounts are large—the total losses reflected in Government Exhibit 15P is \$915,800,000—Sinovel should begin ordering its financial affairs now so that it can pay the entire restitution and fine on June 4, 2018 to either the victims or the Clerk of Court pending appeal.

Respectfully submitted,

SCOTT C. BLADER
United States Attorney

By: /s/

TIMOTHY M. O'SHEA
Assistant United States Attorney

BRIAN L. LEVINE
Special Assistant United States Attorney
Senior Counsel, Department of Justice

DARREN C. HALVERSON
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